



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Brian Svoboda, Esq.
Rachel L. Jacobs, Esq.
Perkins & Coie
700 13th Street NW, Suite 600
Washington, DC 20005-3960

MAR 29 2017

RE: MUR 6993
Van Hollen for Senate, *et al.*

Dear Mr. Svoboda and Ms. Jacobs:

On March 23, 2017, the Federal Election Commission accepted the signed conciliation agreement submitted on behalf of Van Hollen for Senate and Stacey Maud in her official capacity as treasurer in this matter in settlement of violations of 52 U.S.C. § 30111(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended, and 11 C.F.R. § 104.15. On November 29, 2016, we informed you that the file in this matter was closed as to your other client, Rosalyn Levy Jonas, and noted that we would inform her when the entire file has been closed. The Commission closed the entire file in this matter on March 23, 2017.

Documents related to the case will be placed on the public record within 30 days. *See* Disclosure of Certain Documents in Enforcement and Other Matters, 81 Fed. Reg. 50,702 (Aug. 2, 2016). Information derived in connection with any conciliation attempt will not become public without the written consent of the respondents and the Commission. *See* 52 U.S.C. § 30109(a)(4)(B).

Enclosed you will find a copy of the fully executed conciliation agreement for your files. Please note that within 30 days of the conciliation agreement's effective date, the civil penalty is due to the Commission and disgorgement must be made to the United States Treasury.

If you have any questions, please contact me at (202) 694-1650.

Sincerely,

Delbert K. Rigsby
Delbert K. Rigsby
Attorney

Enclosure
Conciliation Agreement

**RECEIVED
FEDERAL ELECTION
COMMISSION**

BEFORE THE FEDERAL ELECTION COMMISSION

In the matter of

Van Hollen for Senate and
Stacey Maud in her official
capacity as treasurer

2017 FEB 23 PM 2:50

MUR 6993

OFFICE OF GENERAL
COUNSEL

CONCILIATION AGREEMENT

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This matter was initiated by a signed, sworn and notarized complaint by EMILY's List. The Federal Election Commission (the "Commission") found reason to believe that Van Hollen for Senate and Stacey Maud in her official capacity as treasurer ("Respondents" or "Committee") violated 52 U.S.C. § 30111(a)(4), a provision of the Federal Election Campaign Act of 1971, as amended (the "Act"), and 11 C.F.R. § 104.15.

NOW, THEREFORE, the Commission and the Respondents, having participated in informal methods of conciliation, prior to a finding of probable cause to believe, do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 52 U.S.C. § 30109(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. The Committee is the authorized committee of Chris Van Hollen. Stacey Maud is the Committee's treasurer.

2. The Commission did not find that Chris Van Hollen violated the Act or Commission regulations.

3. The Act requires political committees to file reports with the Commission identifying the names and mailing addresses of contributors. 52 U.S.C. § 30104(b)(2)(A) and (b)(3)(A); 11 C.F.R. § 104.8(a). The Act provides that the Commission shall make reports and statements filed with it available to the public for inspection and copying within 48 hours after receipt. 52 U.S.C. § 30111(a)(4). Any information copied from such reports or statements, however, may not be sold or used by any person for the purpose of soliciting contributions or for commercial purposes, other than using the name and address of a political committee to solicit contributions from that political committee. *Id.*; see also 11 C.F.R. § 104.15(a). Commission regulations provide that the phrase “soliciting contributions” includes soliciting any type of contribution or donation, such as political or charitable contributions. 11 C.F.R. § 104.15(b).

4. On October 23, 2015, EMILY’s List, a political committee, produced an email comparing two Democratic candidates for the United States Senate in Maryland, Chris Van Hollen and Donna Edwards, that was sent to a test audience of 5,000 persons. The text of the email referred to Van Hollen as the Democratic primary election opponent of Edwards, but a graph later in the email mislabeled Van Hollen as “(R)” [for Republican] instead of “(D)” [for Democrat].

5. Subsequently, the Committee sent to individuals listed on EMILY’s List disclosure reports as contributors a letter from a supporter of the Committee discussing the error that EMILY’s List made in the email. The letter also provided information about Van Hollen’s Democratic credentials, and asked the reader to “join [] in supporting the candidate in this race

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... we want as our next U.S. Senator in Maryland: Chris Van Hollen." The Committee received \$3,350 in contributions from the solicitation.

6. Respondents contend that the purpose of the letter was intended to correct the misidentification of Chris Van Hollen as a Republican in the email, that the letter itself did not expressly ask for contributions, and that a reply envelope, which contained a solicitation form, was included as an incidental part of the mailing. In order to settle this matter, Respondents will not contest the Commission's reason to believe finding.

V. Respondents violated 52 U.S.C. § 30111(a)(4) and 11 C.F.R. § 104.15 by using contributor information from disclosure reports filed with the Commission by a political committee to solicit contributions.

VI. 1. Respondents will pay a civil penalty to the Commission in the amount of Two Thousand One Hundred Dollars (\$2,100), pursuant to 52 U.S.C. § 30109(a)(5)(A).

2. Respondents will cease and desist from committing violations of 52 U.S.C. § 30111(a)(4) and 11 C.F.R. § 104.15.

3. To remedy the receipt of contributions resulting from the mailing, Respondents will disgorge \$3,350 to the U.S. Treasury.

VII. The Commission, on request of anyone filing a complaint under 52 U.S.C. § 30109(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

VIII. This agreement shall become effective as of the date that all parties hereto have executed the same and the Commission has approved the entire agreement.

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IX. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission.

X. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained within this written agreement shall be enforceable.

FOR THE COMMISSION:

BY: Kathleen Guith
Kathleen Guith
Associate General Counsel
for Enforcement

3/29/17
Date

FOR THE RESPONDENTS:

Stacey Maud
Stacey Maud
Treasurer, Van Hollen for Senate

2/22/2017
Date

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